

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ORDER

COGAN, District Judge.

The Court hereby appoints Hon. Shirley Werner Kornreich as a special master in this action, pursuant to Rule 53 of the Federal Rules of Civil Procedure. The Court finds that a master should be appointed to supervise discovery proceedings in this case due to its complexity and because the parties' pretrial discovery matters cannot be effectively and timely addressed by

an available district judge or magistrate judge. The parties consent to the appointment, and the master has filed an affidavit disclosing that there is no ground for disqualification.

The master shall proceed with all reasonable diligence and have the following duties in supervising discovery procedures:

- Setting the procedures for bringing disputes before the master and the requirements associated with resolving those disputes;
- Issuing reports and recommendations for motions related to discovery and disclosure, to which objections may be filed with the Court;
- Issuing reports and recommendations to resolve disputes over issues raised by electronically stored information, native formats, metadata, and related matters, to which objections may be filed with the Court;
- Resolving any disputes that arise during depositions, upon request, to which objections may be filed with the Court; and
- Interpreting any discovery-related agreements reached by the parties, to which objections may be filed with the Court.

The master shall not communicate *ex parte* with the Court or any party. Conferences with the master may be conducted via video conference and shall be on the record before a court reporter.

The master shall preserve records of the master's activities in this case until such time as the master's duties are complete. Any orders issued by the master must be served on each party and filed on the docket. Any objections to the master's orders, reports, or recommendations must be filed by the objecting party within 14 days after the copy is served. The Court will decide *de novo* all objections to findings of fact and conclusions of law made or recommended by the master.

The master shall: (1) file a notice of appearance in this action so that she may submit filings to the Court on ECF; and (2) issue and file a brief report to the Court regarding the status of discovery by the first day of each month, beginning August 1, 2021.

Compensation for the master shall be fixed in accordance with the applicable JAMS fee schedule. Per the parties' agreement, the responsibility for the master's fees and expenses shall be split fifty percent per side.

SO ORDERED.

**Digitally signed by
Brian M. Cogan**

U.S.D.J.

Dated: Brooklyn, New York
June 14, 2021